

Consideration of preliminary adoption of rule amendment to 312 IAC 8-2-8 regarding use of motorized carts on DNR property; Administrative Cause No. 15-092P

The Department received a citizen petition for rule change pertaining to the use of motorized carts on DNR properties. The Petitioner requested a rule amendment to allow;

1. a person accompanying a disabled person to drive a motorized cart as long as that person also holds a valid driver's license, and
2. for the use of motorized carts anywhere in state parks (in addition to a campground).

This committee examined the current rule, evaluated the request and forwarded its recommendations to the DNR Property Use Committee. This group reviewed the statutory mandate and prepared a conceptual draft seeking to address the request.

As for the request to allow a person accompanying a disabled person to drive a motorized cart as long as that person also holds a valid driver's license, the committee agreed to amend the rule to accept this use.

In considering the operation of these devices anywhere on DNR properties, a number of concerns arose. The hazards to other guests, the damage to areas not designed for motorized traffic, the danger to the operator are only a few of the concerns.

The consensus of the committees was that it maintains the rule that allows the operation of the motorized carts only within a campground.

Approval to amend the Code was ultimately accepted by the legislature and promulgated into law. The following revisions to the Rule are being proposed to reflect these changes:

312 IAC 8-2-8 Vehicles, trails, boats, and aircraft

Authority: IC 14-10-2-1; IC 14-10-2-4; IC 14-11-2-1; IC 14-19-1-1

Affected: IC 14-19-1-0.5; IC 14-22-11-1

Sec. 8. (a) A person must not operate a vehicle:

(1) at a speed greater than:

(A) thirty (30) miles per hour on straight, open stretches of road; or

(B) fifteen (15) miles per hour on steep grades or curves or where posted; or

(2) except as provided in section 17 of this rule, other than on a public road.

(b) A person must not park:

(1) a vehicle;

(2) a boat; or

(3) associated equipment;

except at a site designated by the department.

(c) A person must not operate a motorized cart on a DNR property except as follows:

(1) The person must demonstrate both of the following:

(A) The person holds a valid driver's license.

(B) The person:

(i) is at least sixty-five (65) years of age that is evidenced by ~~the~~ a valid driver's license; or

(ii) has a **mobility** disability ~~as defined by the federal Social Security Administration guidelines (42 U.S.C. 416) that is evidenced by documentation from the Social Security Administration;~~ **evidenced by a valid, State-issued, disability parking placard or card, or other State-issued proof of disability as a credible assurance that the use of the motorized cart is necessary to accommodate a mobility disability. Alternatively, the person's verbal representation, not contradicted by observable fact, shall be accepted as assurance that the motorized cart is being used to accommodate a mobility disability.**

(iii) is transporting another person who is qualified under items (i) or (ii).

(2) A person must not operate a motorized cart other than within a campground.

(3) A motorized cart must, if operated between the hours of sunset and sunrise, have a lamp on the:

(A) front exhibiting a white light visible at least five hundred (500) feet ahead of the motorized cart; and

(B) rear exhibiting a red light visible at least five hundred (500) feet behind the motorized cart.

(4) A restriction applicable to the operation, parking, or other use of a vehicle under this section also applies to a motorized cart.

As used in this subsection, "motorized cart" has the meaning set forth in IC 14-19-1-0.5.